

REMARKS/ARGUMENTS

Claims 1-4, 6, 9 and 11-13 are pending in the application. Claims 1-4, 6, 9 and 11-13 were rejected. Applicants, by this paper, amend claims 1 and 2. No new matter is added by amendment. Applicants respectfully request reconsideration and allowance of all pending claims.

Rejections Under 35 U.S.C. §102

Claims 1 and 6 were rejected under 35 U.S.C. §102 as being anticipated by Bardi et al. (US 7,173,979). As noted in the earlier filed response to office action, Applicants contend that Bardi neither teaches nor suggests the invention recited in these claims, which have been amended to clarify the distinction between Bardi and the claimed invention. Furthermore, it would not be reasonable to conclude that one of ordinary skill in the art with knowledge of Bardi would come to the invention recited in these claims. Accordingly, Applicants traverse the Examiner's rejection of Claim 6 as being anticipated by Bardi and further contend that these claims are not obvious to those of ordinary skill in the art over Bardi taken together with any one or more of the other references cited by the Examiner.

The Examiner has indicated that Applicants arguments as presented in the previous response were not persuasive because the limitations noted by Applicants were in the preamble and not in the body of the claims. Applicants have amended the claims to clarify that the indicated recitations are, in fact, limitations on the claimed invention. Accordingly, Applicants respectfully traverse the Examiner's rejection of the claims and request allowance of all of the pending claims in light of the amendments presented herein.

Rejections under 35 USC §103

The Examiner rejected Claims 4, 9, 11-13, under 35 USC §103(e) as being unpatentable over Joo in view of Bardi, Tager, or Kleider, et al. Applicants note that Claims 4, 9, and 11-13 have the same elements as recited in Claims 1-3 and Claim 6, such as the transmission of data modulated using the same repeated symbol transmitted

over frequencies selected to be non-uniformly distributed over the set of available OFDM carriers. As noted above, the Examiner has indicated that Applicants arguments as presented in the previous response were not persuasive because the limitations noted by Applicants were in the preamble and not in the body of the claims. Applicants have amended the claims to clarify that the indicated recitations are, in fact, limitations on the claimed invention. Accordingly, Applicants respectfully traverse the Examiner's rejection of the claims and request allowance of all of the pending claims in light of the amendments presented herein.

Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-4, 6, 9, and 11-13.

CONCLUSION

Applicants believe that all claims pending in the application are allowable. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

This is a response to the Office Action mailed on August 18, 2008, and as such, is submitted timely.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 504613. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

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